

House File 719 - Introduced

HOUSE FILE _____
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to violations and attempted violations of certain
2 court orders, court-approved consent agreements, protective
3 orders, and no-contact orders and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2191HH 82
6 rh/es/88

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1 1 Section 1. Section 664A.2, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. A protective order issued in a civil proceeding shall
1 4 be issued pursuant to chapter 232, 236, or 598. Punishment
1 5 for a violation or attempted violation of a protective order
1 6 shall be imposed pursuant to section 664A.7.
1 7 Sec. 2. Section 664A.7, Code 2007, is amended to read as
1 8 follows:
1 9 664A.7 VIOLATION OR ATTEMPTED VIOLATION OF NO=CONTACT
1 10 ORDER OR PROTECTIVE ORDER == CONTEMPT OR SIMPLE MISDEMEANOR
1 11 PENALTIES.
1 12 1. ~~Violation~~ A violation or attempted violation of a
1 13 no-contact order issued under this chapter or a protective
1 14 order issued pursuant to chapter 232, 236, or 598, including a
1 15 modified no-contact order, is punishable by summary contempt
1 16 proceedings.
1 17 2. A hearing in a contempt proceeding brought pursuant to
1 18 this section shall be held not less than five and not more
1 19 than fifteen days after the issuance of a rule to show cause,
1 20 as determined by the court.
1 21 3. If held in contempt for a violation or attempted
1 22 violation of a no-contact order or a modified no-contact order
1 23 for a public offense referred to in section 664A.2, subsection
1 24 1, or held in contempt of a no-contact order issued during a
1 25 contempt proceeding brought pursuant to section 236.11, the
1 26 person shall be confined in the county jail for a mandatory
1 27 minimum of seven days. A jail sentence imposed pursuant to
1 28 this subsection shall be served on consecutive days. No
1 29 portion of the mandatory minimum term of confinement imposed
1 30 by this subsection shall be deferred or suspended. A deferred
1 31 judgment, deferred sentence, or suspended sentence shall not
1 32 be entered for a violation or attempted violation of a
1 33 no-contact order or modified no-contact order and the court
1 34 shall not impose a fine in lieu of the minimum sentence,
1 35 although a fine may be imposed in addition to the minimum
2 1 sentence.
2 2 4. ~~Violation~~ A violation or attempted violation of a
2 3 no-contact order entered for the offense or alleged offense of
2 4 domestic abuse assault in violation of section 708.2A or a
2 5 violation or attempted violation of a protective order issued
2 6 pursuant to chapter 232, 236, or 598 constitutes a public
2 7 offense and is punishable as a simple misdemeanor with a
2 8 mandatory minimum term of confinement in the county jail of
2 9 seven days. Alternatively, the court may hold a person in
2 10 contempt of court for such a violation, as provided in
2 11 subsection 3.
2 12 5. A person shall not be held in contempt or convicted of
2 13 violations or attempted violations under multiple no-contact
2 14 orders, protective orders, or consent agreements, for the same
2 15 set of facts and circumstances that constitute a single
2 16 violation or attempted violation.
2 17 6. For purposes of this section, "attempted violation"
2 18 means a person does any act by which the person expects to set
2 19 in motion a force or chain of events which will cause or

2 20 result in a violation of an order, court=approved consent
2 21 agreement, protective order, or no=contact order described in
2 22 this section.

2 23 EXPLANATION

2 24 This bill relates to violations and attempted violations of
2 25 certain court orders, court=approved consent agreements,
2 26 protective orders, and no=contact orders.

2 27 The bill provides that a person who attempts to violate a
2 28 no=contact order or a modified no=contact order issued in a
2 29 criminal case in which a defendant has been arrested for the
2 30 crime of domestic abuse assault, harassment, stalking, sexual
2 31 abuse in the first degree, sexual abuse in the second degree,
2 32 or sexual abuse in the third degree, is in contempt of court
2 33 and is required to serve a seven=day jail sentence and may be
2 34 subject to a fine.

2 35 In addition, such a person punished for contempt of court
3 1 is subject to a jail sentence of no more than six months
3 2 pursuant to Code section 665.4.

3 3 The bill provides that a person who violates or attempts to
3 4 violate a court order or court=approved consent agreement
3 5 entered pursuant to Code chapter 236, Iowa's domestic abuse
3 6 law; a temporary or permanent protective order or order to
3 7 vacate the homestead under Code chapter 598, Iowa's
3 8 dissolution of marriage and domestic relations law; an order
3 9 that establishes conditions of release or is a no=contact
3 10 order or sentencing order in a criminal prosecution arising
3 11 from a domestic abuse assault; or a protective order issued
3 12 under Iowa's juvenile justice law, commits a simple
3 13 misdemeanor punishable by confinement for a mandatory minimum
3 14 term of seven days but no more than 30 days and a fine of at
3 15 least \$65 but not more than \$625, or by contempt proceedings.

3 16 The bill provides a definition of "attempted violation" to
3 17 mean a person does any act by which the person expects to set
3 18 in motion a force or chain of events which will cause or
3 19 result in a violation of an order, court=approved consent
3 20 agreement, protective order, or no=contact order described in
3 21 the bill.

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3 23 rh:nh/es/88